

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	CIVIL ACTION
In the matter of)	No.:
LET VESSELS, LLC, as Owner of and ELLEN)	
W, LLC as bareboat charterer of)	
The F/V LADY BRITTANY (O.N. 1123286),)	
a 104' clam fishing vessel, for Exoneration from or)	
Limitation of Liability.)	IN ADMIRALTY
_____)	

VERIFIED COMPLAINT

Plaintiffs, Let Vessels, LLC (“Let”), as owner of and Ellen W, LLC (“Ellen”) as bareboat charterer of the F/V LADY BRITTANY (O.N. 1123286), 104’ clam fishing vessel petitions this Honorable Court for Exoneration from or Limitation of Liability pursuant to the Limitation of Shipowner’s Liability Act of 1851, 46 U.S.C. §§ 30501 through 30512, and Supplemental Rule F of the Federal Rules of Civil Procedure, averring as follows:

JURISDICTION

1. This is a Complaint for Exoneration from and/or Limitation of Liability pursuant to 46 U.S.C. §§ 30501 et seq. and Supplemental Admiralty Rule F. This Court has admiralty and maritime jurisdiction within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1333.

VENUE

2. Venue is proper in the District of Massachusetts pursuant to Supplemental Rule F(9) because the F/V LADY BRITTANY is located in this district, and F/V LADY BRITTANY has not been arrested or attached in any other district at this time.

PARTIES

3. Let is a New Jersey limited liability company with a principal office in Manahawkin, New Jersey.
4. Ellen is a New Jersey limited liability company with a principal office in Manahawkin, New Jersey.
5. Let is the owner of the F/V LADY BRITTANY.
6. Ellen bareboat chartered F/V LADY BRITTANY from Let.
7. Upon information and belief, Paul Sayward ("Sayward") was a Massachusetts resident.

STATEMENT OF FACTS

8. On January 21, 2020, Ellen was operating the F/V LADY BRITTANY in the limited access fishing area of the Nantucket Lightship at approximately 40 30.2° N, 69.26.37° W.
9. At all material times prior to the incident, the F/V LADY BRITTANY and its appurtenances were seaworthy, tight, staunch, strong and fit.
10. At approximately 0400 hours, Sayward was working on deck.
11. At approximately 0400 hours Sayward was no longer on deck and no member of the crew observed Sayward enter the water.
12. At all times material hereto, the F/V LADY BRITTANY and its appurtenances were operated and utilized in a seaworthy fashion by Ellen.
13. On January 21, 2020, the value of the F/V LADY BRITTANY was \$2,230,000.00. There was no freight pending at the time of the casualty.
14. Any and all death, injuries, damages, and losses claimed to have resulted therefrom, were not caused or contributed to by any breach of applicable statutes or regulations, or any

unseaworthiness, fault, neglect, or lack of reasonable care by or on the part of the F/V LADY BRITTANY, Let or Ellen.

15. Alternatively, any breach of applicable statutes or regulations, or any unseaworthiness, fault, neglect, or lack of reasonable care by or on the part of the F/V LADY BRITTANY, Let or Ellen that might have contributed to any and all alleged injuries, damages, and losses were occasioned and incurred without the privity or knowledge of Let and Ellen and/or were occasioned and incurred due to the fault of third-parties for which Let and Ellen is not responsible.
16. Pursuant to Supplemental Rule F(1), this Complaint is timely filed.
17. Let and Ellen does not know the total amount of the claims that may be made for death, injuries, damages, and losses that resulted from the collision.
18. Let and Ellen expects that formal claims based on those injuries, damages, and losses will be presented in due course and that the total claims will exceed the limitation fund.
19. According to the Appraiser Report of Michael Collyer, filed herewith, the post-casualty value of the F/V LADY BRITTANY does not exceed its insured, agreed hull value of \$2,230,000.00.

EXONERATION/LIMITATION

20. Let and Ellen seeks exoneration from liability for any and all death, injuries, damages, and losses of any kind arising from the incident onboard the F/V LADY BRITTANY on the waters of limited access fishing area of the Nantucket Lightship at approximately 40 30.2° N, 69.26.37° W, as well as any other claimed losses incurred by others that have been and/or may hereafter be made and avers that he has valid defenses on the facts and the law.

21. Let and Ellen alternatively seeks limitation of his liability pursuant to the Limitation of Liability Act, 46 U.S.C. § 30501 *et. seq.*, Supplemental Rule F, and the various statutes amendatory thereof and supplementary thereto and case law to that end, he files herewith a Stipulation re Security for Value of his Interest in the F/V LADY BRITTANY equal to \$2,230,000.00 plus \$1,000.00 for costs and 6% interest per annum, for payment into Court as ordered.

RELIEF SOUGHT

WHEREFORE Plaintiff, Let Vessels, LLC and Ellen W, LLC requests the following relief:

1. The Court approve Plaintiffs' Security for the post-casualty value of the F/V LADY BRITTANY (\$2,230,000.00) and Security for costs (\$1,000.00) and 6% in the total amount of \$2,231,000.00 and 6% interest per annum which represents (a) the value of the F/V LADY BRITTANY after the January 21, 2020 incident and (b) Plaintiffs' obligation to give costs, in compliance with Supplemental Rule F(1) of the Federal Rules of Civil Procedure and Local Admiralty Rule F(1);
2. That on approving that security, the Court enter an injunctive order pursuant to Supplemental Rule F(3) and 46 U.S.C. § 30511(c) ceasing and enjoining all lawsuits, causes of action, and claims against Plaintiffs and their property arising from the January 21, 2020 incident, except in this civil action;
3. That Plaintiffs serve a copy of that injunctive order on the persons to be enjoined;
4. That the Court enter an order directing the issuance of a notice to claimants, pursuant to Supplemental Rule F(4);

5. That the Court adjudge Plaintiffs not liable for any and all injuries, damages, or losses arising from the loss and other losses sustained but if Plaintiffs are held liable in any part, his liability shall be limited at a maximum to the value of the F/V LADY BRITTANY after the January 21, 2020 incident, and that Plaintiffs be discharged from any such liability upon the surrender of such interest, and that the money surrendered, secured, or to be paid as aforesaid be divided pro rata among such claimants as may duly prove their claims, saving to all parties any priorities to which they may be legally entitled, and that judgment may be entered discharging Plaintiffs from all further liability; and
6. That Plaintiffs be provided such other and further relief as the Court may deem just and proper.

Respectfully submitted,
LET VESSELS, LLC and
ELLEN W, LLC,
By their counsel,

/s/David S. Smith
David S. Smith, Esq.
BBO No.: 634865
FARRELL SMITH O'CONNELL
Aarsheim Aprans, LLP
27 Congress Street, Suite 109
Salem, Massachusetts 01970
978-744-8918 (Tel)
978-666-0383 (Fax)
dsmith@fsfirm.com

VERIFICATION

I, Leory E. Truex, being duly sworn depose and state:

I am the manager of Let Vessels, LLC, the owner and the manager of Ellen W, LLC the bareboat charterer of the F/V LADY BRITTANY (O.N. 1123286), a 104' clam fishing vessel. I have read the foregoing Complaint and know the contents thereof and the same are true of my own knowledge, except as to those matters therein stated on information and belief, and as to

those matters, I believe it to be true. Pursuant to 28 USC §1746, I, Leroy E. Truex, declare under penalty of perjury that the foregoing is true and correct.

Executed this 21 day of July, 2020.

/s/ Leroy E. Truex
Let Vessel, LLC
By: Leroy E. Truex
Its: Manager

/s/ Leroy E. Truex
Ellen W, LLC
By: Leroy E. Truex
Its: Manager